

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

STATE OF NEW MEXICO, *ex rel.*
State Engineer

Plaintiff,

vs.

ROMAN ARAGON, *et al.*,

Defendants.

69cv07941 BB-ACE

RIO CHAMA STREAM SYSTEM
Section 1: Mainstream

RANCHITOS DITCH

Subfile Nos. 4.5

MOTION TO AMEND NOTICE AND ORDER TO SHOW CAUSE

COMES NOW the Plaintiff State of New Mexico on the relation of the State Engineer and requests the Court to amend the Notice and Order to Show Cause filed October 13, 2006 (Doc. No. 8411) in connection with Defendant Juan Duran and Subfile 4.5 in Section 1 of the Rio Chama Stream System, and as grounds states the following:

1. Defendant Juan Duran has filed no objection to the Notice and Order to Show Cause filed October 13, 2006 (Doc. No. 8411) within the time allowed under the Order (45 days).
2. The Notice and Order to Show Cause filed October 13, 2006 (Doc. No. 8411) contained a clerical error and incorrectly described the total amount of irrigated acreage under Subfile 4.5 as 0.3 acres. The correct amount of total irrigated acreage mapped under Subfile 4.5 is 0.27 acres, as shown on the color subfile map that was attached to the Order to Show Cause.
3. The description of the amount of irrigated acreage in the Notice and Order to Show Cause filed October 13, 2006 should be amended to describe 0.27 acres of land.

WHEREFORE the State of New Mexico respectfully requests the Court to enter its Order

amending the Notice and Order to Show Cause filed October 13, 2006 as described above. Further, in the absence of a timely objection to the granting of this Motion, the State requests that the Court determine that the amount of acreage with appurtenant irrigation water rights under this subfile is a total 0.27 acres.

Respectfully submitted,



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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing were mailed to following persons on December 1, 2006:

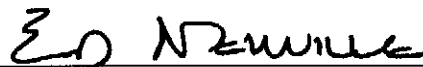
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Juan Duran
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transmitted by ACE filing to the following on the same date.

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